

this year, and there has been no argument stated on this floor to prove that the bill is, indeed, needed this year. As a matter of fact, Senator Johnson and Senator Elmer both said we need to do it sometime, and not necessarily this year. I think the question of, should we do it this year? The answer is definitely, no. Another question is, can we do it this year? Can we legally do it? I have a Supreme Court...or an Attorney General Opinion from 1988 submitted by Senator Haberman. The subject was constitutionality of proposed amendments to a bill relating to adjustment of retirement benefits of the Nebraska State Patrolmen's Retirement System, and they stated in there that the language of the proposed amendments do not incorporate any reference to an existing federal law or regulation with sufficient description, and they go on to state that the proposed amendment may be subject to constitutional challenge because the law or regulation as stated may not be final or is subject to change by the federal government. Folks, we, as far as I know, last year we had no rule and regs from the feds on siting or on design of an abovegrade facility. They have existing rules and regs on the old style facilities, but not on the new style facilities. When you go to 10 CFR or 61-51, subsection (b), discussing disposal site design for land disposal, they say disposal site designed for other than near surface disposal and near surface is to kick the barrel in the pit and let it roll, the old style, so for other than near surface, which our proposed facility would be, is reserved. In other words, we haven't seen them, they are changing them, or they are developing them, or something. So we would be passing the obligation on to the Department of Environmental Control to license this facility and take possession of this, thus, okay taking possession of this land according to rules and regs that have not been written yet, as far as I know, by the NRC. So should we do it? No, there is absolutely no reason, no reason that has been brought to me or argued on this floor that we should do it this year. Can we do it legally? There is a question there also. Can we commit the state or should we commit the state to taking title to this land before the regs are even written on siting and site design? I say no and I think it is not a very smart move to make at this time. We have a process in existing law that will allow us to take title to this land. That has been understood for the past five years or so. It has been in existence, possibly, longer than that. Why do we all of a sudden need to take possession of this land before we know all the rules and regs and ramifications of this facility? The arguments I have been hearing over the lunch hour